

REMARKS

Upon entry of foregoing amendment, claims 1-22 and 24-61 are pending. Claims 1-22 and 24 have been amended to more clearly define the subject matter claimed. Claims 1 and 17 have been amended to include the limitation previously set forth in claim 23, which has been canceled. Claims 25-61 have been added. No new matter has been added. Claims 1, 17, and 61 are the independent claims.

Objection to the specification

The office action indicates that the specification is objected to because of an informality in paragraph 0039 (*Office Action* – p. 2).

Applicant would like to bring to the Examiner's attention that the paragraph numbering in the application as originally filed does not match that of the application as published in U.S. Patent Application Publication No. 2003/0074567 A1 ("application publication"). The foregoing amendment refers to paragraph numbers as present in the application publication.

The appropriate correction to paragraph 0039 has been made in the foregoing amendment. Accordingly, applicant requests withdrawal of the objection to the specification. In addition paragraph 0004 has been amended to correct a misspelling.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-16 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action indicates that the claims contain subject matter which is not described in the specification (*Office Action* – p. 3). Specifically, the Office Action indicates a lack of support in the specification for "a trusted state of executable programs and execution" and "a current state of executable programs and execution" as recited in claim 1.

Support for "a trusted state of executable programs in execution" may be found in the specification is originally filed in paragraph 0036 (as numbered in the application publication). The specification describes that the "hash generator 22 determines a trusted hash value for the current trusted state of the applications running within the computer system

11"

Support for "a current state of executable programs in execution" may be found in the specification as originally filed in paragraph 0035 (as numbered in the application publication). The specification describes that the "hash generator 22 determines a unique hash signature for the current state of the applications running within the computer system 11."

The written description requirement does not require verbatim description in the specification. *See* MPEP § 2163.02. It only requires that the specification reasonably convey to one skilled in the relevant art that the inventor, at the time application was filed, had possession of the claimed invention. *Id.* In light of the cited portions of the specification, the specification reasonably conveys to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Accordingly, applicant requests withdrawal of the claim rejections of claims 1-16 under 35 U.S.C. § 112, first paragraph.

Rejection under 35 U.S.C. section 102(e)

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,470,450 to Langford *et al.* ("Langford"). The rejection is respectfully traversed because Langford does not disclose *inter alia* predetermined data that includes "system memory locations indicative of executable programs in operation" as recited in the independent claims (Claims 1, 17, and 61).

Langford and the present application relate to comparing trusted hashes with current hashes for computer security. In Langford, an application that makes a request for key data is hashed and compared to a previous trusted hash value. This approach is similar to that discussed in the Background of the Invention of the present application at paragraph 0008, which states that applications may be individually hashed and checked to determine if any illicit changes have been made. The Background of the Invention indicates a drawback to this approach in that only applications actually requesting the key data are checked. The approach is ineffective against a "man-in-the-middle" attack, in which the key data is intercepted by a third application in execution that is not hashed and checked.

Here, the presence of a third application may be detected because the hashed data relates to more than just the calling application or applications. As recited in claims 1, 17, and 61, the data from which the trusted hash is computed includes "a system memory

location indicative of the at least one application executing within the computer system.”
Thus, all applications may be detected when the hash is later checked.

The Examiner alleges with respect to now canceled claim 23 that Langford teaches predetermined data that includes “system memory locations indicative of executable programs in operation” as claimed (Office Action – p. 10). To the contrary, Langford teaches only hashing and checking the specific calling executable. The “location information” described in Langford is merely a path to obtain the executable file so that it may be hashed. Langford does not use location information to create a listing of authorized programs in operation, which may be checked later to determine if an illicit third application is present. Thus, the location information disclosed in Langford is not “a system memory location indicative of the at least one application executing within the computer system” as now recited in the independent claims.

Given that the limitations of claim 23 have now been added to the independent claims, Langford does not teach or suggest all of the claimed limitations. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e) of claims 1-22 and 24.

In view of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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